

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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January 4, 2005

Hon. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
Washington, D.C. 20554

Re: In the Matter of Petition of the New York State Public Service Commission's
Request for Delegated Authority for Jurisdiction Over Area Code Changes
Pursuant to 47 U.S.C. § 251(e)(1); CC Docket No. 96-98.

Dear Secretary Dortch:

On October 15, 2001 the New York State Public Service Commission ("NYPSC"), pursuant to Section 251(e)(1) of the Telecommunications Act of 1996 (the "Act") and 47 C.F.R. § 1.3, petitioned the Commission for delegated authority to make area code changes outside the context of area code relief planning.¹ By Public Notice dated November 23, 2004, the Commission stated that it would deem the Petition withdrawn and would dismiss it unless the NYPSC indicates in writing its intent to continue to pursue this petition.² The Commission also invited the NYPSC to refresh the record with new information or arguments related to its original filing.³

The NYPSC remains intent on pursuing its original Petition. In the Petition, we stated that in New York, various political subdivisions, such as counties, villages and towns, have

¹ Petition of the New York Public Service Commission's Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1), CC Docket No. 96-98 (filed October 15, 2001) ("Petition").

² Public Notice, CC Docket No. 96-98, DA 04-3678 (rel. November 23, 2004).

³ Id.

requested area code changes to align with or to unite into communities of interest, unrelated to area code relief planning or number conservation. Additionally, we stated that the Commission has the authority to delegate any part of its jurisdiction over numbering issues to the state commissions.⁴ We also noted that the Commission has acknowledged that the NYPSC is in the best position to make decisions regarding local area codes within New York.⁵

Likewise, the record before the Commission remains current. All of the local impact issues described in the petition and in the record before the Commission are still pending and could have been resolved to the benefit of the affected consumers had the NYPSC been granted the authority requested. The New York communities specifically noted in the Petition, namely the County of Ontario, the Hamlet of Roscoe, and the Town of Farmington,⁶ have not withdrawn their requests to the NYPSC for area code changes. Therefore, the NYPSC respectfully requests that the Commission expeditiously grant the relief requested in our October 15, 2001 Petition.

Respectfully submitted,

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⁴ Id. at 1, 3.

⁵ Id. at 4 (citing In the Matter of the State of New York Department of Public Service Request for the Release of a New Area Code to Provide Relief for the 716 Numbering Plan Area, Memorandum, Opinion and Order, CC Docket No. 96-98, NSD File No. LL-00-161 (rel. March 20, 2001) at ¶¶ 8-11).

⁶ Id. at 3.